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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			EXAMINER ALBERTALLI, BRIAN LOUIS	
			ART UNIT 2626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,842

Applicant(s)

CAMPBELL ET AL.

Examiner

BRIAN L. ALBERTALLI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-12, 14, 16, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Curry et al. (U.S. Patent 6,493,669).

In regard to claims 10, 20, and 21, Curry et al. disclose a system (Fig. 1) and method (Fig. 2A) for selecting a user speech profile for a device in a vehicle (column 3, lines 11-14), the system comprising:

a control module including:

a speech recognition system configured to process audio signals (speech recognition system 100, column 3, lines 11-14) and having a speaker enrollment function configured to create a user speech profile for at least one user (see Fig. 2A, step 212, a new model can be created, column 4, lines 16-19); and

a memory coupled to the speech recognition system and configured to store a plurality of user speech profiles (a plurality of individualized speech models are stored, column 2, lines 56-61); and

a user input device configured to receive an input command from a user that includes an identifier (a biometric sample is provided, column 4, lines 1-15);

wherein the control module uses the identifier to select a user speech profile from the plurality of user speech profiles and the speech recognition system uses the selected user speech profile to process audio signals from the user (the biometric identifier is used to select an individualized speech model for speech recognition, column 4, lines 25-31).

In regard to claims 11 and 12, Curry et al. disclose the vehicle device is a hands-free wireless communication system and the hands-free wireless communication system is a hands-free telephone system (cellular telephone, column 3, lines 46-50).

In regard to claims 14 and 22, Curry et al. disclose the user input device is one of a memory switch, a keypad or a biometric identification device (biometric device 122, column 4, lines 6-9).

In regard to claim 16, Curry et al. disclose the system is coupled to an automobile interior element (within the automobile, column 3, lines 1-3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-9, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein (U.S. Patent 6,496,107), in view of Curry et al.

In regard to claims 1 and 17, Himmelstein discloses a system and method for selecting a user speech profile for a device in a vehicle (Fig. 1, vehicle 10, column 2, lines 43-46), the system comprising:

- a control module (system 20) including:

- a speech recognition system configured to process audio signals (voice recognition unit 44, column 2, lines 49-50) and having a speaker enrollment function configured to create a user speech profile for at least one user (a plurality of users each create individual voice templates, column 4, lines 47-53); and

- a memory coupled to the speech recognition system and configured to store a plurality of user speech profiles (voice templates stored in memory, see Table 1 and column 4, lines 40-48); and

- an external device configured to transmit a control signal to the vehicle including an identifier (transponder 22 provides identification to the vehicle 10, column 3, lines 1-9)

Himmelstein does not disclose the control module uses the identifier to select a user speech profile from the plurality of user speech profiles and the speech recognition system uses the selected user speech profile to process audio signals from the user

(the identifier identifies one of the plurality of active users, but does not automatically select the individual user's speech profile).

Curry et al. disclose a system for use in a vehicle wherein once a user is identified, a control module uses the identifier to select a user speech profile from the plurality of user speech profiles and the speech recognition system uses the selected user speech profile to process audio signals from the user (an identifier is used to select an individualized speech model for speech recognition, column 4, lines 25-31).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Himmelstein to select the speech profile associated with the control signal identifier sent from the external device, because this would reduce the number of template comparisons needed to be made. Additionally, as taught by Curry et al., selecting an individualized speech model for recognition reduces the recognition error rate (column 2, lines 56-61).

In regard to claims 2 and 3, Himmelstein discloses a plurality of in-vehicle devices may be controlled (see column 6, lines 36-45), but does not specifically disclose the vehicle device is a hands-free wireless communication system and the hands-free wireless communication system is a hands-free telephone system.

However, Curry et al. disclose a system for controlling in-vehicle devices through voice wherein the vehicle device is a hands-free wireless communication system and the hands-free wireless communication system is a hands-free telephone system (cellular telephone, column 3, lines 46-50).

One of ordinary skill in the art at the time of invention could have substituted the hands-free telephone system of Curry et al. for any of the in-vehicle devices disclosed by Himmelstein and the result of the substitution would have been predictable, i.e. a user could control their hands-free telephone system through speech. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to substitute a hands-free telephone system in the system of Himmelstein.

In regard to claims 5-7, 18, and 19, Himmelstein discloses the external device is a vehicle key or a removable memory device and the wireless external device is one of an RKE key fob, a wireless phone, a Personal digital assistant, a pager, a portable computer, a passive entry key, a smart card, an optical entry device, or a magnetic entry device (column 2, lines 56-67 and column 6, lines 46-57).

In regard to claim 8, Himmelstein discloses a plurality of external devices are configured to include an identifier (see Table 1, voice commands for different devices), the memory including a user prioritization list indicating a user preference for each external device (individual users have customized preferences for each device, see Table 1, actions for voice commands; and column 4, lines 54-65).

In regard to claim 9, Himmelstein discloses the system is coupled to a automobile interior element (inside vehicle 10, column 2, lines 42-46).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein, in view of Curry et al., and further in view of Ishii et al. (U.S. Patent 5,956,684).

Himmelstein and Curry et al. disclose a plurality of in-vehicle devices may be controlled, but do not specifically disclose the device is a navigation system.

Ishii et al. disclose a navigation system controllable by voice commands (see abstract).

One of ordinary skill in the art at the time of invention could have substituted the navigation system of Ishii et al. for any of the in-vehicle devices disclosed by Himmelstein and Curry et al. and the result of the substitution would have been predictable, i.e. a user could control their navigation system through speech. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to substitute a navigation system for any of the in-vehicle devices disclosed by Himmelstein and Curry et al.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al., in view of Ishii et al.

Curry et al. disclose a plurality of in-vehicle devices may be controlled, but do not specifically disclose the device is a navigation system.

Ishii et al. disclose a navigation system controllable by voice commands (see abstract).

One of ordinary skill in the art at the time of invention could have substituted the navigation system of Ishii et al. for any of the in-vehicle devices disclosed by Curry et al. and the result of the substitution would have been predictable, i.e. a user could control their navigation system through speech. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to substitute a navigation system for any of the in-vehicle devices disclosed by Curry et al.

7. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al., in view of Himmelstein.

Curry et al. do not disclose a plurality of user input devices that are configured to receive an input command from a user that includes an identifier, wherein the memory includes a user prioritization list indicating a user preference for each user input device.

Himmelstein discloses a plurality of external devices are configured to include an identifier (see Table 1, voice commands for different devices), the memory including a user prioritization list indicating a user preference for each external device (individual users have customized preferences for each device, see Table 1, actions for voice commands; and column 4, lines 54-65).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Curry et al. to include identifiers for each external device wherein the memory included a user prioritization list indicating a user preference for each external device, because this would allow plurality of in-vehicle devices to be controlled, and

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would allow for the customization of particular devices for particular users, as taught by Himmelstein (column 4, lines 64-65).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schnars et al. (U.S. Patent 4,797,924) disclose a vehicle voice recognition system with a plurality of user profiles. Cook (U.S. Patent 7,099,825) discloses a system that identifies user profiles and device IDs for speech recognition. Colmenarez et al. (U.S. Patent 6,498,970) disclose a vehicle system that identifies a user through biometrics.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is (571)272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 3/26/08

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626